

**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

NEXTGEAR CAPITAL, INC.	:	CIVIL ACTION
	:	
Plaintiffs	:	3:18-CV-01617-MEM
	:	(Judge Mannion)
vs.	:	
	:	MOTION TO DISMISS
ANTONIO L. GUTIERREZ, PAUL	:	
GUTIERREZ,	:	
	:	ELECTRONICALLY FILED
Defendants.	:	
	:	

Defendant PAUL GUTIERREZ, for himself only, and separately from the remaining defendants named in this action, by his attorneys, Grabowski Law Offices, LLC, moves the court:

1. To dismiss the complaint as to this defendant on the ground that the complaint fails to state a claim against this defendant on which relief can be granted.
2. To dismiss the complaint or in the alternative to quash the return of service of summons on this defendant, on the ground that the court is without jurisdiction over this defendant, as more particularly appears from the declaration of Defendant PAUL GUTIERREZ.

3. To dismiss the complaint as to this defendant on the ground that the court is without jurisdiction over the subject matter of the complaint as referred to and described.

4. To dismiss the complaint as to this defendant on the ground that the venue is improper.

5. To dismiss the complaint on the ground of the “Full Faith and Credit” Doctrine.

6. To dismiss the complaint on the ground of the Entire Controversy Doctrine.

7. To dismiss the complaint on the ground of the Doctrine of Abstention.

8. To dismiss the complaint on the ground of Forum Non-Convenience.

9. To remand the matter back to the Superior Court of New Jersey, Bergen County.

10. To compel the Plaintiff to pay for the Defendant’s counsel fees.

11. To grant any other relief that the Court may deem equitable and just.

The Declaration of Defendant PAUL GUITERREZ and Exhibits in support of this motion and each ground thereof is attached.

A proposed form of Order is submitted herewith.

Oral argument is requested unless otherwise directed by the Court.

Dated: November 21, 2018

Respectfully submitted:

Grabowski Law Offices, LLC

By: **/s/ Walter T. Grabowski**

Walter T. Grabowski

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